

OFFICE OF THE CLERK
UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND
The Federal Center
380 Westminster Mall, 6th Floor
Providence, Rhode Island 02903
website: www.rib.uscourts.gov

Susan M. Thurston
Clerk of Court

Susan_Thurston@rib.uscourts.gov

Telephone: 401 528-4477, x30
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E-mail:

NOTICE OF ADOPTION

Amendment of Local Rules and Forms:

1002-1, 1009-1, 5077-1, 7016-1, 7026-1, 9014-1, 9036-1,
Appendix VIII, R.I. Bankr. Forms A, K.2, U and V

Pursuant to 28 U.S.C. §2071, Fed.R.Civ.P. 83, Fed.R.Bankr.P. 9029, and the November 11, 1990 Order of the U.S. District Court Authorizing Promulgation of Local Bankruptcy Rules, the U.S. Bankruptcy Court for the District of Rhode Island hereby provides notice that the Local Rules and Forms listed above have been amended. Copies of the amended local rules and forms are available at the Clerk's office or on our website at www.rib.uscourts.gov. These amendments shall take effect immediately, and shall apply to all cases filed on or after this date, and all cases pending in this court as of this date.

December 1, 2000

FOR THE COURT

Susan M. Thurston, Clerk

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND**

AMENDED LOCAL RULES AND FORMS

December 1, 2000

LOCAL RULE 1002-1(d)(1) PETITION GENERAL

- (1) **Mailing Format.** In accordance with the filing requirements set forth by Fed.R.Bankr.P. 1002, 1003, and 1007, the debtor shall file with the petition a list of creditors/matrix listing the name and address of each creditor shown on the debtor's schedules in the format prescribed by the clerk's office and designated as Amended R.I. Bankr.Form A. Unless leave of court is obtained, in all chapter 7, 11, 12 and 13 cases, the list of creditors/matrix shall be submitted on a computer diskette as set forth in the "Instructions for Submission of the List of Creditors on Computer Diskette", designated as Amended Bankr.Form A. Failure to correctly conform to the requirements detailed in Bankr. Form A will result in the automatic issuance of an order to show cause why the case should not be dismissed within 48 hours.

LOCAL RULE 1009-1(d) AMENDMENTS OF PETITIONS, LISTS, SCHEDULES AND STATEMENTS

- (d) **Amendments to Mailing Matrix.** A motion to amend the matrix is required to be filed whenever the debtor files its initial schedules containing creditors that were not listed on the original creditor list/ mailing matrix. The following procedures shall apply:
- (1) An amended matrix shall be filed with the motion to amend, and shall contain only the names and addresses of the new creditors. Creditors listed on the original matrix shall not be repeated on the amended matrix.
 - (2) The applicable miscellaneous fee for filing amendments to the lists of creditors shall be filed with the motion to amend matrix and the amended matrix.
 - (3) If the schedules themselves are being amended to add new creditors, the debtor shall file a motion to amend to add creditors, with the applicable fee, and shall include a supplemental diskette containing only the names and addresses of the added creditors. See, LBR 1005-1(f). The debtor is not required to file a separate motion to amend the matrix. This requirement (of amending the matrix) is already prescribed within LBR 1005-1(f) for all motions to amend to add creditors.

LOCAL RULE 5077-1 TRANSCRIPTS

- (a) Any party wishing to order a transcript of a hearing or other recorded court session shall make such

request to the electronic court recorder operator (ECRO) either in person, by telephone or in writing.

(b) Once the transcript order is placed, a confirmatory letter will be sent to the requester advising: (1) the name and address of the transcription service; (2) the approximate date the transcript will be completed; and (3) confirmation of the type of order placed, e.g., expedited or regular service.

(c) Upon completion of the transcript, the original is mailed to the requester and a copy is retained by the Court, docketed, and placed in the court file.

(d) If the transcript is designated as an item related to an appeal, the designating party must supply a separate copy to be included with the record on appeal. The court copy shall not be used for such purpose.

(e) Any party wishing to order a copy of a tape of a hearing for unofficial purposes should contact the ECRO and pay the applicable Miscellaneous Fee.

LOCAL RULE 7016-1 PRETRIAL PROCEDURES; FORMULATING ISSUES

- (a) **Scheduling Conference.** Within forty five (45) days following the appearance of a defendant or within sixty (60) days after the complaint has been served on a defendant, a Federal Rule of Bankruptcy Procedure 16(b) Scheduling Conference shall be held at the Bankruptcy Court or as otherwise directed by the court. Unless excused by the court, counsel and any unrepresented party shall attend the scheduling conference at the date, time and location set forth on the summons.

The purpose of the scheduling conference shall be to review the nature of the case, the prospects for settlement or mediation, to review the parties' proposed discovery plan, and to enter a scheduling order specifying a trial date and deadlines for discovery, dispositive motions, joint pretrial orders, and trial briefs, and to resolve any other matters appropriate to the circumstances of the case.

- (b) **Joint Pretrial Order.** In all adversary proceedings, a joint pretrial order conforming to the standards set forth in R.I. LBR 9014-1 and R.I. Bank. Form O shall be filed within the time prescribed by the court in the scheduling order.

LOCAL RULE 7026-1 DISCOVERY – GENERAL

- (a) **Disclosure Requirements.** Unless otherwise ordered, the time limits and disclosure requirements contained in Federal Rule of Bankruptcy Procedure 7026 apply to all adversary proceedings pending in this district.
- (b) **Discovery Report.** Counsel and any unrepresented party shall file with the court the discovery report required by FRBP 7026 at least 5 days prior to the LBR 7016(b)-1 scheduling conference.
- (c) Discovery Materials Shall Not Be Filed with the Court. *See* R.I. LBR 5005-1(d).

LOCAL RULE 9014-1 CONTESTED MATTERS

(a) Rule 9013 Governs Procedure. In any contested matter, motion practice shall be governed by R.I. LBR 9013-1 and 9013-2.

(b) Rule 7026 Shall Not Apply. Federal Rule of Bankruptcy Procedure 7026 shall not apply to contested matters governed by Rule 9014, unless otherwise ordered by the court.

(c) Service and Certificate of Service. Unless another manner of service is ordered by the Court, the movant shall serve the motion by mail in the manner provided by Fed. R. Bankr. P. 7004. Except for relief from stay motions, no summons is required. The movant shall file with the Clerk a certificate of service which complies with R.I. LBR 9013-3.

(d) Duty to File Joint Pretrial Order. Where the Court determines that the filing of a Joint Pretrial Order will facilitate and expedite the hearing of a contested matter, the parties will be directed to file a Joint Pretrial Order within the time established by the Court, and in accordance with the requirements set forth in paragraphs (1) and (2) below and in the form described in **R.I. Bankr. Form O**.

(1) Initial Draft by Plaintiff/Movant. In all instances that require the filing of a Joint Pretrial Order, it is the plaintiff/movant's responsibility to prepare the initial draft of the Joint Pretrial Order and to serve it on opposing counsel at least four business days before the order is due in the Clerk's office. The opposing party must submit to the movant any comments or revisions within two (2) business days, to finalize the Order. If either party fails to perform as required herein, the aggrieved party shall file an affidavit stating the facts which constitute the failure to cooperate.

(2) Affidavit of Noncompliance. Upon consideration of an affidavit filed in accordance with paragraph (1) above and any response thereto, the Court may order that the motion or adversary proceeding proceed as a defaulted matter:

(A) When a matter brought by a plaintiff/movant is in default as to the filing of the Joint Pretrial Order or any of the requirements specified therein, the Clerk shall dismiss the matter for want of diligent prosecution. The party in default may have the matter reinstated only upon showing special circumstances, by motion, filed within ten (10) days of the dismissal.

(B) When a matter is in default by the defendant/respondent as to the filing of a Joint Pretrial Order or any of the requirements specified therein, the defendant/respondent will not be allowed to present its defense at trial, except by leave of court, for cause shown.

(e) Duty to Confer Prior to Evidentiary Hearing. Prior to commencement of an evidentiary hearing on a contested matter, counsel shall confer in a good faith effort to resolve the dispute, and must represent that they have so conferred (unsuccessfully), prior to the presentation of evidence. The plaintiff, the movant or the party objecting to a claim shall initiate the settlement conference.

LOCAL RULE 9036-1 NOTICE BY ELECTRONIC TRANSMISSION

Notice shall be given by electronic transmission to any entity entitled to receive the bankruptcy notice if:

(1) a written request is made by the entity for electronic notice; (2) the entity executes an electronic noticing agreement with the Bankruptcy Noticing Center and otherwise meets the system requirements for electronic noticing; and (3) the Clerk's office is capable of transmitting the notices electronically.

The terms and procedures for electronic noticing are detailed in Appendix VIII.

The Following Appendix and Forms are Amended:

Appendix VIII ELECTRONIC BANKRUPTCY NOTICING (new)

**R.I. Local Bankr. Form A INSTRUCTIONS FOR SUBMISSION OF THE CREDITOR MATRIX
ON COMPUTER DISK (amended)**

**R.I. Local Bankr. Form K.2 NOTICE OF FILING OF PROPOSED ORDER OF DISTRIBUTION
(amended)**

R.I. Local Bankr. Form U. REAFFIRMATION AGREEMENT (amended)

**R.I. Local Bankr. Form V CHAPTER 13 AGREEMENT BETWEEN DEBTOR AND COUNSEL
(amended)**

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December 1, 2000

RE: Electronic Bankruptcy Noticing Now Available

Dear Bankruptcy Noticing Recipient:

I am pleased to announce that The United States Bankruptcy Court for the District of Rhode Island, is now offering a new way for you to receive bankruptcy notices from the court. You may now choose to receive overnight bankruptcy notices via Internet e-mail or transmitted as a fax to your office. Electronic noticing will provide notices days faster than the U.S. Mail.

Should you elect the Internet e-mail alternative, your e-mail provider must provide a return receipt to confirm that the notice was properly delivered to your e-mail account. The notice will be attached to the message as a file in Adobe's Portable Document Format (PDF). A free PDF reader plug-in is available from Adobe's web site.

Please visit the Electronic Bankruptcy Noticing web page at www.EBNuscourts.com for detailed information about this new free electronic noticing service including a list of known return receipt e-mail providers, the *Electronic Noticing Implementation Guide* and *Electronic Bankruptcy Noticing Questions and Answers*. An *Electronic Bankruptcy Noticing Agreement* must be signed and returned to the BNC to initiate this service. This form is available on the web site and should be submitted directly to the BNC.

Your participation in the free electronic bankruptcy noticing program is encouraged, since we believe it will offer many benefits to you and the court. If you choose not to participate, you will continue to receive printed bankruptcy notices in the mail, just as you do now.

For complete electronic noticing information, visit the electronic noticing web page at www.EBNuscourts.com or call the Bankruptcy Noticing Center toll-free at 1-877-837-3424 for free technical support or to obtain a copy of an *Electronic Bankruptcy Noticing Agreement*.

Sincerely,



Susan M. Thurston
Clerk of Court

United States Bankruptcy Court
Direct BNC Sign-up Agreement
Electronic Bankruptcy Noticing Agreement

(To initiate electronic bankruptcy noticing via fax or Internet e-mail with PDF attachment.)

Company or Law Firm Name of Subscriber: _____

OR Individual Name of Subscriber: _____

District of: _____

The court is requested to transmit bankruptcy notices electronically through the Bankruptcy Noticing Center (BNC) pursuant to Federal Rule of Bankruptcy Procedure 9036.

This Agreement is provided by the U.S. Bankruptcy Court and may not be altered or changed in any manner. If you, or your company, wish to receive bankruptcy notices from this court electronically instead of through the US mail, please complete this Agreement indicating one of the electronic methods offered and mail or fax it to the court's noticing contractor at:

BAE Systems - Attention BNC Dept.
11400 Commerce Park Drive
Reston, VA 20191
Fax: (703) 758-7370

For Additional Information: EBN web page www.EBNuscourts.com and toll free help line 1-877-837-3424

How the Program Works:

Redundant Mode. Entities that complete and return this form to the BNC will have EBN service initiated in approximately two weeks. If you choose the Internet e-mail with a copy of the notice attached in Adobe Portable Document Format (PDF) format method, your e-mail system must return a Delivery Status Notification (DSN) receipt upon notice delivery. For a list of known DSN e-mail providers and a link to download the required free PDF viewer software from Adobe Systems, visit the EBN web page at : <http://www.EBNuscourts.com>. The BNC will initially conduct a test to confirm that your e-mail account will return the required DSN receipt or that the fax number is working. During the first 30 days of EBN service, the BNC will send the notice electronically as well as mail the paper copy to allow you to confirm the process is working properly. Whether fax or e-mail, upon expiration of the 30 day redundant mode (redundant mode begins from the date the BNC sets up your service, not the date of your first EBN notice) all future notices processed by the BNC for this court will only be sent electronically without further notice.

Name Matching. The BNC software will attempt to match the name and address provided on this form to the address included in the court's notice instructions. In most cases, the addresses in the court's computer files are provided by the debtor. The BNC software will attempt to match the name (without punctuation) and address and send the notice electronically. If the recipient name and address in the court's notice instructions do not match the name and address on this form, the BNC will mail the notice. If applicable, submit additional names and addresses that debtors designate for you or your company to the BNC. **You must notify the BNC should your e-mail, fax, or names and addresses used for electronic noticing change.**

In Case of Error. The BNC maintains a record confirming delivery of the electronic notice. If the BNC is unable to confirm receipt of the delivery for any reason, the notice will be printed and mailed the following day. The BNC will not retransmit notices. Should electronic noticing delivery to you be unsuccessful three consecutive times, the service will be terminated without further notice and only mailed copies will be sent. Please contact the BNC to resolve the issue and have electronic noticing service reinstated. Either party may terminate this Agreement without cause by giving the other party written notice.

NOTE: The BNC does not process all the notices you may receive in a case. Notices generated by trustees, attorneys, debtors, and some court-generated notices or orders will continue to be mailed to the address of record at the court.

CHOOSE ONE METHOD

Internet E-Mail with PDF Attachment

Notices are delivered to addresses based on the court's case records, please enter subscriber name and address EXACTLY as it appears on current notices. The following information will only be used to set up your account for the name and address matching process. You may attach additional names and addresses (spelling variations) for which you receive bankruptcy notices.

Firm/Company -OR- Individual Name		E-Mail Address to Receive Notices: Email options: (Check one) <input type="checkbox"/> 1 e-mail with 1 attachment containing up to 2 mb, or approximately 25 notices (default) <input type="checkbox"/> 1 e-mail with multiple attachments, up to 25 (1 notice per attachment) <input type="checkbox"/> individual e-mail message and attachment for each notice Voice Phone Number:	
Address Line 1			
City, State			
Zip (Zip +4 Required)		To find your 9 digit zip, go to: www.usps.com/ncsc/lookups/lookups.htm	
<i>(For a company/corporation)</i> Under penalty of perjury, I the undersigned affirm that I am an authorized officer of the above named company or corporation and I am duly authorized to enter into this agreement on behalf of the named company or corporation; and I affirm that bankruptcy notices for the above named entity, and any attached company names (spelling variations) and addresses, should legally be directed to the named company. I understand that no legal relationship is created between the entity receiving bankruptcy notices herein and the BNC by this election or submission of this form and that neither the BNC nor the court bears any liability for errors resulting from the information submitted herein or as future amendments, modifications or substitutions for this information on behalf of this entity. Name: Signature: Date:		<i>(For an individual or trustee)</i> Under penalty of perjury, I affirm that bankruptcy notices for my name and addresses provided above, and any attached spelling variations, should legally be directed to my e-mail address above. I understand that no legal relationship is created between the entity receiving bankruptcy notices herein and the BNC by this election or submission of this form and that neither the BNC nor the court bears any liability for errors resulting from the information submitted herein or as future amendments, modifications or substitutions for this information on behalf of this entity. Signature: Date:	
Corporate Officer Title (If applicable) (5/25/00)			

CHOOSE ONE METHOD

Facsimile Transmission

Notices are delivered to addresses based on the court's case records, please enter subscriber name and address EXACTLY as it appears on current notices. The following information will only be used to set up your account for the name matching process. You may attach additional names and addresses (spelling variations) for which you receive bankruptcy notices.

Firm/Company		Fax Number to Receive Notices:
Address Line 1		
Address Line 2		
Address Line 3		
		Voice Phone Number: _____
City, State		
Zip (Zip +4 Required)		To find your 9 digit zip, go to: www.usps.com/ncsc/lookups/lookups.htm
<p><i>(For a company/corporation)</i></p> <p>Under penalty of perjury, I the undersigned affirm that I am an authorized officer of the above named company or corporation and I am duly authorized to enter into this agreement on behalf of the named company or corporation; and I affirm that bankruptcy notices for the above named entity, and any attached company names (spelling variations) and addresses, should legally be directed to the named company. I understand that no legal relationship is created between the entity to receive bankruptcy notices herein and the BNC by this election or submission of this form and that neither the BNC nor the court bears any liability for errors resulting from the information submitted herein or as amendments, modifications or substitutions for this information on behalf of this entity.</p> <p>Name:</p> <p>Signature:</p> <p>Date:</p>		<p><i>(For an individual or trustee)</i></p> <p>Under penalty of perjury, I affirm that bankruptcy notices for my name and addresses provided above, and any attached spelling variations, should legally be directed to my fax number above. I understand that no legal relationship is created between the entity to receive bankruptcy notices herein and the BNC by this election or submission of this form and that neither the BNC nor the court bears any liability for errors resulting from the information submitted herein or as amendments, modifications or substitutions for this information on behalf of this entity.</p> <p>Signature:</p> <p>Date:</p>
Corporate Officer Title: (If applicable)		

**United States Bankruptcy Court
District of Rhode Island**

Instructions for submission for the List of Creditors on Computer Disk

General Information

Our new automated system, Autocop, allows users to submit the list of creditors on a 3 ½" high-density disk supplied at the time of the filing. The following guidelines below must be strictly followed in order to correctly process the case being filed. Submitting the list of creditors on a computer disk allows the court to efficiently process a higher volume of cases in a faster amount of time.

Disk Type:

Must be a 3 ½ disk in Microsoft compatible format in any density up to 1.44 MB.

File Requirements:

1. each case must be submitted with a separate disk containing the creditors with their addresses; the system can only read one file per disk.
2. the file must be saved in a "pure text" format (see subsection Text Format on the following page)
3. the file must be located in the disk's root directory and named matrix.txt

File Content:

The creditor list should only include the specific creditors to that particular case. Because the court has software which will automatically add the debtor, joint debtor, attorney debtor, case trustee and US Trustee, do not add these names to the list of creditors.

Text Format:

The creditor list saved as matrix.txt must be in ASCII, or "pure text" format in order for the court's computer to read the data. All word processing packages have the capability of saving a word processing document as "pure text". Any text editor such as the DOS editor (EDIT), most word processors like WordPerfect or Microsoft Word are capable of producing the required output. (See subsection on File Saving and Labeling Disk).

Creditor Format:

0. Must be typed in Courier 12 point font (10cpi)
1. lists should be typed in a single column
2. each name and address must consist of no more than 5 (five) total lines of single spaced type
3. one blank line should appear between each creditor address
4. ZIP codes must be located on the same line as the city and state which should be the last line of the address
5. use ZIP +4 format with a hyphen between the fifth and the sixth number
6. each line must be 30 characters or less in length
7. if “attention” lines are used, they should appear on the second line of the address, not on the last line
8. no headers, footers or page numbers should be used in the text
9. use initial capital letters. The court will not accept all capital letters.
10. no punctuation should be used except for the hyphen in item (5) above.

File Saving and Labeling Disks:

1. After all creditors are typed, the file should be saved to a diskette in text format, not the word processor’s document format. The file name should be matrix.txt

Example Instructions for Microsoft Word or WordPerfect for Windows.

After the matrix has been typed, place a formatted diskette in the floppy drive and select the following items from the menu bar at the top of the window:

File

Save As

Save File as Type: (select one of the following type)

MS-DOS Text or ASCII (DOS) Text

File Name: (enter matrix.txt in the box below this item)

Drives:

A: (or whatever is appropriate for your PC)

Ok (left click the button one time with the mouse to complete saving the file)

Example Instructions for WordPerfect 5.1 for DOS

After the matrix has been typed, place a formatted diskette in the floppy drive and select the following keyboard commands.

<CTL>+f5 (hold the 'CTRL' key down and press the "f5" key) next select

1 Dos Text Next select

1 Save

Document to be saved (DOS Text): (enter the drive letter and file name:

'A:matrix.txt

2. Do not write on a disk label with ballpoint pen because the disk may be damaged. Use a felt-tip pen or write lightly in pencil. The following information should be included on each disk submitted:

- name of submitting firm or practitioner
- debtor's full name
- the number of creditors on the disk

3. It is advisable to save a backup copy of the creditor file, either on the hard drive of the computer or a second diskette, incase another copy of the file is needed later.

Returning Disk:

A used disk of comparable media will be traded for the submitted disk. If the filing takes place at the court window, the disk will be submitted immediately. If the filing takes place through the mail/overnight box, the disk will be returned along with any extra copies of documents, provided that a self-addressed, stamped envelop is supplied. All disks that the court receives will be recycled and traded on an on going basis. If it is imperative that the actual disk which you submitted be returned to you rather than a comparable disk, print "return this disk" on the label portion of the disk under your name as outlined in II(f) above.

Computer Virus Protection:

The court has computer software which scans disks for viruses in order to prevent possible damage to court records as well as affording protection to those who request the return of disks from the court. Since new strains of computer viruses are regularly created, the court subscribes to a virus detection update service which allows us to detect the most recent computer viruses.

All computer users are strongly urged to ensure that safeguards exist in their offices to detect and eradicate current and future computer viruses. You should also be aware that whatever virus detection software you use must be updated regularly because old software will not detect new viruses.

NOTE: Any procedural or systems based questions with regard to these instructions can be directed to our Intake staff at 528-4477 who will connect you with the appropriate party.

- - - - - *

In re: :

: BK No.

Debtor(s)

Chapter

- - - - - *

NOTICE OF FILING OF PROPOSED ORDER OF DISTRIBUTION

To the creditors and interested parties:

PLEASE TAKE NOTICE: On _____ a
PROPOSED DISTRIBUTION ORDER was filed with the U.S. Bankruptcy
Court for the District of Rhode Island, 380 Westminster Mall,
6th Floor, Providence, RI 02903, providing for distribution of
funds to creditors pursuant to a Plan of Reorganization filed
by _____ pending before the Court.
Pursuant to the proposed Distribution Order, the claim of _____
_____ is proposed to be paid in the amount of \$ _____
_____ as a claim within Class _____ of the Plan, consisting
of the claims of _____ creditors. A copy of
said Order of Distribution is on file with the clerk's Office
and can be reviewed at the above address, or a copy may be
obtained by contacting the undersigned at the address listed
below. A complete copy of the Order of Distribution has also
been provided to the Local Office of the U.S. Trustee, 10
Dorrance Street, Room 910, Providence, RI 02903, and to those
interested parties set forth in the certification filed with
the Court relating to the same.

**PURSUANT TO LOCAL BANKRUPTCY RULE 1005-1(d) within TEN
(10) days of service of this NOTICE, (twenty (20) days for
U.S. Government officers and agencies), any party who objects
to the proposed Order of Distribution or the proposed
treatment of a particular claim shall serve and file with the
Clerk of Court, with copies to the U.S. Trustee and the
undersigned, an Objection/Response to the Order of
Distribution. Only parties who have timely filed an
Objection/ Response will be permitted to present their
position at hearing, unless otherwise ordered.**

By:

(Tele) :

Dated :

Form B240

R.I. Bankr. Form U

See, LBR 4008-1

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND**

REAFFIRMATION AGREEMENT

Debtor's Name	Bankruptcy Case No.
	Chapter
Creditor's Name & Address	

Instructions: 1) Attach a copy of all court judgments, security agreements, and evidence of their-perfection.
2) File all the documents by mailing them or delivering them to the Clerk of the Bankruptcy Court.

NOTICE TO DEBTOR:

This agreement gives up the protection of your bankruptcy discharge for this debt.

As a result of this agreement, the creditor may be able to take your property or wages if you do not pay the agreed amounts. The creditor may also act to collect the debt in other ways.

You may rescind (cancel) this agreement at any time before the bankruptcy court enters a discharge order or within 60 days after this agreement is filed with the court, whichever is later, by notifying the creditor that the agreement is canceled.

You are not required to enter into this agreement by any law. It is not required by the Bankruptcy Code, by any other law, or by any contract (except another reaffirmation agreement made in accordance with Bankruptcy Code § 524(c)).

You are allowed to pay this debt without signing this agreement. However, if you do not sign this agreement and are later unwilling or unable to pay the full amount, the creditor will not be able to collect it from you. The creditor also will not be allowed to take your property to pay the debt unless the creditor has a lien on that property.

If the creditor has a lien on your personal property, you may have a right to redeem the property and eliminate the lien by making a single payment to the creditor equal to the current value of the property, as agreed by the parties or determined by the court.

This agreement is not valid or binding unless it is filed with the clerk of the bankruptcy court. If you were not represented by an attorney during the negotiation of this reaffirmation agreement, the agreement cannot be enforced by the creditor unless 1) you have attended a reaffirmation hearing in the bankruptcy court, and 2) the agreement has been approved by the bankruptcy court. (Court approval is not required if this is a consumer debt secured by a mortgage or other lien on your real estate.)

REAFFIRMATION AGREEMENT

The debtor and creditor named above agree to reaffirm the debt described in this agreement as follows:

THE DEBT

Total Amount of Debt When Case was Filed

\$ _____

Total Amount of Debt Reaffirmed \$ _____

Above total includes the following:

Interest Accrued to Date of Agreement \$ _____

Attorney Fees \$ _____

Late Fees \$ _____

Other Expenses or Costs Relating to the

Collection of this Debt (Describe) \$ _____

Annual Percentage Rate (APR) _____%

Amount of Monthly Payment \$ _____

Date Payments Start _____

Total Number of Payments to be made _____

Total of Payments if paid according to schedule _____

Date Any Lien Is to Be Released if paid
according to schedule _____

The debtor agrees that any and all remedies available to the creditor under the security agreement remain available.

All additional Terms Agreed to by the Parties (if any):

Payments on this debt [were] [were not] in default on the date on which this bankruptcy case was filed. This agreement differs from the original agreement with the creditor as follows:

CREDITOR'S STATEMENT CONCERNING AGREEMENT AND SECURITY/COLLATERAL (IF ANY)

Description of Collateral. If applicable, list manufacturer, year and model.

_____ Value

\$ _____

Basis or Source for Valuation _____

Current Location and Use of Collateral _____

Expected Future Use of Collateral _____

Check Applicable Boxes:

☐ Any lien described herein is valid and perfected.

☐ This agreement is part of a settlement of a dispute regarding the dischargeability of this debt under section 523 of the Bankruptcy Code (11 U.S.C. § 523) or any other dispute. The nature of dispute is _____
_____.

DEBTOR'S STATEMENT OF

EFFECT OF AGREEMENT ON DEBTOR'S FINANCES

My Monthly Income (take home pay plus any other income received) is \$ _____

My current monthly expenses total \$ _____, not including any payment due under this agreement or any debt to be discharged in this bankruptcy case.

I believe this agreement [will] [will not] impose an undue hardship on me or my dependents.

DEBTOR'S STATEMENT CONCERNING DECISION TO REAFFIRM

I agree to reaffirm this debt because _____

I believe this agreement is in my best interest because _____

I [considered] [did not consider] redeeming the collateral under section 722 of the Bankruptcy Code (11 U.S.C. § 722). I chose not to redeem because _____

_____.

I [was] [was not] represented by an attorney during negotiations on this agreement.

CERTIFICATION OF ATTACHMENTS

Any documents which created and perfected the security interest or lien [are] [are not] attached. *[If documents are not attached: The documents which created and perfected the security interest or lien are not attached because*

SIGNATURES

(Signature of Debtor)

(Name of Creditor)

Date: _____

(Signature of Creditor Representative)

Date: _____

(Signature of Joint Debtor)

Date: _____

CERTIFICATION BY DEBTOR'S ATTORNEY (IF ANY)

I hereby certify that (1) this agreement represents a fully informed and voluntary agreement by the debtor(s); (2) this agreement does not impose an undue hardship on the debtor or any dependent of the debtor; and (3) I have fully advised the debtor of the legal effect and consequences of this agreement and any default under this agreement.

(Signature of Debtor's Attorney, if any)

Date :

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF RHODE ISLAND

-----*

In re: :

BK No. :

Debtor(s) : Chapter 13

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CHAPTER 13 AGREEMENT BETWEEN DEBTOR AND COUNSEL

**RIGHTS AND RESPONSIBILITIES OF CHAPTER 13 DEBTORS
AND THEIR ATTORNEYS**

It is important for debtors who file bankruptcy cases under Chapter 13 to understand their rights and responsibilities. It is also useful for debtors to know what their attorney's responsibilities are, and understand the importance of communicating with their attorney to make the case successful. Debtors should also know that they may expect certain services to be performed by their attorney. To encourage that debtors and their attorneys understand their rights and responsibilities in the bankruptcy process, the following terms are agreed to by the debtors and their attorneys:

BEFORE THE CASE IS FILED:

The Debtor Agrees To:

1. Provide the attorney with accurate financial information.
2. Discuss with the attorney the debtors' objectives in filing the case.

The Attorney Agrees to:

1. Meet with the debtor to review the debtor's debts, assets, income and expenses.
2. Counsel the debtor regarding the advisability of filing either a Chapter 7 or Chapter 13 case, discuss both procedures with the debtor, and answer the debtor's questions.
3. Explain what payments will be made through the plan, and what payments will be made directly by the debtor for mortgage and vehicle loan payments, as well as which claims accrue interest.
4. Explain to the debtor how, when, and where to make the Chapter 13 plan payments, as well as the debtor's obligation to continue making mortgage payments, without interruption, and the likely consequences for failure to do so.
5. Explain to the debtor how the attorney's fees and trustee's fees are paid, and provide an executed copy of this document to the debtor.
6. Explain to the debtor that the first plan payment must be made to the Trustee within 30 days of the date the plan is filed.
7. Advise the debtor of the requirement to attend the 341 Meeting of Creditors, and instruct debtor as to the date, time and place of the meeting.

8. Advise the debtor of the necessity of maintaining liability, collision and comprehensive insurance on vehicles securing loans or leases.
9. Timely prepare and file the debtor's petition, plan, and schedules.

AFTER THE CASE IS FILED:

The Debtor Agrees to:

1. Keep the trustee and attorney informed of the debtor's address and telephone number.
2. Inform the attorney of any wage garnishments or attachments of assets which occur or continue after the filing of the case.
3. Contact the attorney if the debtor loses his/her job or has other financial problems. The attorney may be able to have the Chapter 13 plan payments reduced or suspended in those circumstances.
4. Advise counsel if the debtor is sued during the case.
5. Inform the attorney if tax refunds to which the debtor is entitled are seized or not received.
6. Advise counsel and the trustee before buying or selling real property or before entering into any long-term loan agreements, to determine what approvals are required.

The Attorney Agrees to Provide the Following Legal Services in Consideration of the

Initial Fee Charged in This Case:

1. Appear at the 341 Meeting of Creditors with the debtor.
2. Respond to objections to plan confirmation, and where necessary, prepare an amended plan.
3. Notify the debtor(s) not to appear in court whenever the attorney learns that the confirmation hearing is not being held or is continued.
4. Prepare, file and serve one necessary modification to the plan which may include suspending, lowering, or increasing plan payments.
5. Prepare, file and serve necessary amended schedules in accordance with information provided by the debtor.
6. Prepare, file, and serve necessary motions to buy, sell, or refinance real property.
7. Object to improper or invalid claims, if necessary, based upon documentation provided by the debtor.
8. Represent the debtor in motions for relief from stay and at confirmation of the plan.
9. Where appropriate, prepare, file, and serve necessary motions to avoid liens on real or personal property.
10. Provide such other legal services as are necessary for the administration of the case.

Initial fees charged in this case are \$_____. If the initial fees are not sufficient to compensate the attorney for the legal services rendered in the case, the attorney further agrees to apply to the court for any additional fees. If the debtor disputes the legal services provided or the fees charged by the attorney, an objection may be filed with the court and the matter set for hearing.

Debtor signature: _____ Dated: _____

Co-debtor signature: _____ Dated: _____

Attorney for debtor(s) signature: _____ Dated: _____

